

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 960-8806** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

**ACTION
SPECIAL MEETING AGENDA AND
REGULAR MEETING AGENDA
CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH**

MONDAY, NOVEMBER 19, 2001

4:00 P.M. – Council Chambers –
Closed Session
Approx. 6:30 P.M. – Room B-8 – Study
Session
7:00 P.M. – Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

4:10 P.M.-5:00 P.M. – Council Chambers - Special Meeting (Closed Session)

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer

[Present – Julien Houchen arrived 4:11]

City/Agency Clerk Reads Call for 4:00 P.M.-5:00 P.M. Special Meeting for the Purpose of Discussion on the Closed Session Items Listed on the Agenda

(This Special Meeting will remain in session past the 5:00 P.M. Regular Meeting starting time.)

Public Comments (Restricted to Closed Session Items Only)

[None]

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

[Approved 7-0]

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
<http://www.ci.huntington-beach.ca.us>**

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; William Osness, Personnel Director; Clay Martin, Director of Administrative Services; Richard Whitmore, Esq. of Whitmore, Johnson & Bolanos; and Steven M. Berliner, Esq. of Liebert, Cassidy and Frierson regarding **labor relations matters – meet and confer** with the following employee organizations: **HBMEA, HBMEO, HBFMA, and Non-Associated**. Subject: **Labor Relations – Meet & Confer**. (120.80)
2. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Scottsdale Insurance Co. v. City of Huntington Beach**, Orange County Superior Court Case No. 761735. Subject: **Scottsdale Insurance Co. v. City of Huntington Beach**. (120.80)
3. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(b)(3)(B) to confer with its city attorney regarding pending litigation. Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced. Subject: **BF Construction v. City of Huntington Beach**. (120.80)
4. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Talbert & Beach, Inc. v. City of Huntington Beach**; U.S. District Court Case No. SACV-001096-AHS(EEx). Subject: **Talbert & Beach, Inc. v. City of Huntington Beach**. (120.80)
5. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Tierrasanta v. City of Huntington Beach**, Orange County Superior Court Case No. 775993. Subject: **Tierrasanta v. City of Huntington Beach**. (120.80)
6. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Marcia Dunbar v. City of Huntington Beach**; Orange County Superior Court Case No. 00CC06677. Subject: **Marcia Dunbar v. City of Huntington Beach**. (120.80)
7. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(c) to confer with its city attorney regarding pending litigation based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of potential cases: One. Subject: **Gun Range Cleanup Costs**. (120.80)

8. **(Redevelopment Agency) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the agency is a party. The title of the litigation is **Mulligan v. Redevelopment Agency**; Orange County Superior Court Case No. 740099. Subject: **Mulligan v. Redevelopment Agency**. (400.50)

Adjournment of Special Meeting

Approximately 6:30 P.M. – Reconvene *with all Councilmembers Present Except Green* in Room B-8 for the Annual Joint Study Session between the City Council and the Investment Advisory Board

[Green arrived 7:10 p.m.]

Public Comments (Restricted to Study Session Item Only)

[None]

(City Council) Annual Joint Study Session between the City Council and the Investment Advisory Board - Annual Report on Investments to the City Council (October 1, 2000 to September 30, 2001) (310.20)

Roll Call – Investment Advisory Board – Richard Ganulin (Chair), Paul Arms, Joe Foye, Bob Glass, Warren Hall, Bob Turicchi, Robert Winchell

[Present – Robert Winchell absent]

The Investment Advisory Board (IAB) will provide its annual update to the City Council regarding activities for Fiscal Year 2000/2001.

Transmittal of the Annual Report titled *City of Huntington Beach Investment Advisory Board (IAB) Annual Report to the City Council for the period October 1, 2000 to September 30, 2001*.

Communication is included in the agenda packet.

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

Reconvene City Council/Redevelopment Agency Regular Meeting – Approximately 7:00 P.M. Council Chambers

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a)(3)(B)).**

(1) Reported out action taken by Council on Item #8 on page #3 of Agenda [Approved 7-0];

(2) Reported out action on Item #3 on page #2 [Approved 7-0].

Announcement of Action Taken by City Attorney in Closed Session Pursuant to Government Code Section 54957.1 at the November 5, 2001 City Council Closed Session
In Re: Citizens Against Redevelopment Excess, et al. v. City of Huntington Beach, et al. (CARE I), OCSCC No. 81159 - Authorized the City Attorney not to Seek a Rehearing before the Court of Appeals or Supreme Court Review (120.80) – The City Council in closed session on November 5, 2001 unanimously voted with no members absent to discuss the matter of ***Citizens Against Redevelopment Excess, et al. v. City of Huntington Beach, et al. (CARE I)***, Orange County Superior Court Case No. 81159. The City Council voted to not authorize the City Attorney to seek a rehearing before the Court of Appeal or Supreme Court review.

Announcement of Action Taken by City Attorney in Closed Session Pursuant to Government Code Section 54957.1 at the November 5, 2001 City Council Closed Session
In Re: Russell Reinhart v. City of Huntington Beach, USDCC No. SACV 00-1598 RJL (MANx) (120.80) – The City Council in closed session on November 5, 2001 unanimously voted with no members absent to discuss the matter of ***Russell Reinhart v. City of Huntington Beach, USDCC No. SACV 00-1598 RJL (MANx)*** (Prep Time). The City Council voted to authorize the City Attorney to settle this litigation by way of Plaintiff dismissing the suit without prejudice.

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present]

Flag Ceremony and Pledge of Allegiance – Brownie Troop 1568, Sts. Simon and Jude, Huntington Beach. Co-Leaders Cathy Morrill and Paula Tiedt.

Invocation – Pastor Kurt Morem, Grace Lutheran Church, Huntington Beach.

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

[Slide show report on Study Session subject held earlier in meeting; Also Late Communications on Agenda Items C-2c; D-2; F-2; and F-3.]

Presentation – By Cheryl Brothers, Board of Directors, Discovery Museum, to Mayor Pam Julien Houchen; Robert F. Beardsley, Public Works Director; and Ron Shenkman, Rainbow Disposal, of Environmental Awards for the best Public/Private Partnership. (160.40)

Presentation – By Mayor Pam Julien Houchen, Huntington Beach Police Officers' Association Officer Corwin Bales and Huntington Beach Firefighters' Association Paramedic Don Cone to Tanya Hoxsie, Director, Huntington Valley Girls and Boys Club, a check for \$20,000, in proceeds raised by the Guns and Hoses Annual Charitable Golf Tournament. (160.40)

Presentation – By Mayor Pam Julien Houchen, Sr. Police Officer Jeff Huss, Police Officer Rober Frahm of "End of Watch" T-Shirt sales proceeds totaling \$90,000 to be presented to the New York Police Department and New York Fire Department Relief Funds. Representatives of the HBPOA will be flying to New York to present the check. (160.40)

[Call (714) 842-8851 to buy T-Shirts and support the N.Y. Police and N.Y. Fire Departments.]

Presentation – To Mayor Pam Julien Houchen, Police Chief Ronald Lowenberg, Sharon Wie, Interval House and Jana Harden, Victim Advocate, Community Services Program (CSP), a check for \$500 by Ken Inouye, Chair, and Commissioner Pat Krone of the Orange County Human Relations Commission. This check was presented at the Annual Community Oriented Policing (COP) Awards Breakfast on November 10, 2001. (160.40)

Mayor's Award to Luann Brunson, Senior Administrative Analyst, Economic Development Department. (120.70)

B. PUBLIC COMMENTS

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

- (1) Speaker announced festivities to be held in recognition of a postage stamp in honor of the Duke and surfing.***
- (2) Speaker reported to Council re: Children's Needs Task Force plans and the planned Children & Families Resource Center.***
- (3) Student representing Ballet Etudes invited Council and all to the "Nutcracker" to be performed at Huntington Beach High School.***
- (4) Speaker informed Council of problem he perceives with too many street sweeping signs in the area of Newland and Indianapolis.***
- (5) Speaker questioning the validity of the signatures on the Property Rights Measure on the March 5, 2002 Special Municipal Election ballot.***

[Discussion held between City Council, City Attorney and City Clerk regarding the Property Rights Measure.]

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Presentation of Report on Animal Care Services Ad-Hoc Committee Findings and Recommendations in Support of Council's Acceptance of the City's Continued Participation in the County's Animal Care Services and Concept of Maintaining a Low or No Cost Animal Adoption Satellite Center (500.10)**

(Also see Agenda Item E-2 – Approval of Animal Services Contract between the City and the County of Orange.)

Communication from Animal Care Services Ad-Hoc Committee Chair, Mayor Pam Julien Houchen and Council Committee members Mayor Pro Tem Debbie Cook and Councilmember Connie Boardman transmitting that in February 2001, the City Council created an Ad-Hoc Committee on animal care services charged with recommending an animal care services strategy to the City Council. The Committee was also asked to report its recommendations to the City Council by June 30, 2001. Since February, the Committee has met to review the feasibility study prepared by Meyer & Allen Associates, receive input from the community, tour the county's existing facilities, and discuss the future of animal care services in Huntington Beach.

This memorandum serves to report the Committee's findings and recommendations to date.

[To accept the findings and recommendations: 7-0]

FINDINGS: The Committee finds that: **(1)** The city is capable of providing pro-humane animal care services; **(2)** It believes the feasibility study overestimates the cost to provide pro-humane care services; however, **(3)** The cost of providing pro-humane animal care services would represent a significant increase from the existing county contract.

RECOMMENDATIONS: **(1)** That the city remain a member of the county animal care services system; **(2)** The committee monitor the county's plans for relocation, long-term contracts, and the potential that other client cities (north county in particular) may leave the county system; and **(3)** The City Council support the concept of a satellite county facility or private adoption center in Huntington Beach if these options are available at little or no cost to the city.

C-2. City Administrator's Report**C-2a. (City Council) Overview of the California Integrated Waste Management Board Including Survey Results Ranking the City as the Second Most Effective Trash Diversion Program in the County (810.60)**

An overview of the California Integrated Waste Management Board Waste Diversion Program will be given. The report will include the results of a recent survey ranking Huntington Beach as the second most effective trash diversion program in Orange County.

A PowerPoint presentation titled *California Integrated Waste Management Board – Waste Diversion Program – November 19, 2001* is included in the packet.

[Public Works Director presented report.]

C-2b. (City Council) Summary Findings on Study Conducted by the Santa Monica “Heal the Bay” Water Quality Group of the City's Ocean and Beaches within Huntington Harbour (520.30)

A short presentation summarizing the findings of a recent water quality study of city and state beaches by Heal the Bay, a Santa Monica based water quality group, will be given.

A PowerPoint presentation titled *Heal the Bay's Report Card on Huntington's Beach's 8½ Miles of Ocean Frontage and Huntington Harbour Beaches within Huntington Harbour – Summer 2001* is included in the packet.

[Public Works Director presented report.]

C-2c. (City Council) Announcement of the Opening of Newly Operational Water Wells No. 3A and 5 (1000.10)

An overview of newly operational Water Wells No. 3A and 5 will be presented.

[Public Works Director presented report.]

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

- D-1. **(City Council) Continue to December 3, 2001 – Public Hearing to Consider Zoning Text Amendment No. 01-07 (Coastal Development Permit Appeal Language) – Introduction of Ordinance No. 3517 Amending Huntington Beach Zoning Code Section 245.32 (420.80)**
Communication from the Planning Director.

Public hearing continued from November 5, 2001 to consider the following: **Applicant:** City of Huntington Beach. **Request:** To amend Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance relating to direct appeal to the California Coastal Commission for any Zoning Administrator, Planning Commission, or City Council action within the appealable areas of the coastal zone. **Location:** Appealable areas of the coastal zone. **Environmental Status:** Notice is hereby given that Zoning Text Amendment No. 01-07 is categorically exempt from the provisions of the California Environmental Quality Act.

Recommended Action: Motion to:

Continue public hearing open to December 3, 2001

[Approved 6-0-1 (Garofalo out of room)]

D-2. (City Council) Public Hearing to Consider Zoning Text Amendment No. 01-04 (City Wide Entitlement Permit Review Process Streamlining) by Amending 13 Chapters of the Huntington Beach Zoning and Subdivision Code and Sections of the Downtown Specific Plan – Approve Introduction of Ordinance Nos. 3520 through 3532 Inclusive (13 Ordinances) (640.10)

Communication from the Planning Director.

Public hearing to consider the following:

Applicant: City of Huntington Beach

Request: To amend 13 chapters within the Huntington Beach Zoning and Subdivision Ordinance and three sections of the SP5 Downtown Specific Plan, codify certain Planning Department policies and clarify sections of existing codes for streamlining purposes.

The proposed amendments are intended to reduce the overall number of discretionary entitlement applications by allowing the use by right or having a lower level discretionary body review the entitlement.

Location: City-wide

Environmental Status: Notice is hereby given that Zoning Subdivision Ordinance No. 01-04 is categorically exempt from the provisions of the California Environmental Quality Act.

On File: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office after Friday, November 16, 2001.

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 714-536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff Report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action:

A. Planning Commission Recommendation: Motion to:

~~Approve Zoning Text Amendment No. 01-04 with findings for approval as set forth on (Attachment No. 2) to the Request for Council Action dated November 19, 2001 and after the City Clerk reads by titles, approve introductions of the following ordinances (Attachment No. 1) to the Request for Council Action dated November 19, 2001:~~

Ordinance No. 3520 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 203 Thereof Relating to Definitions;” and~~

(Continued on Next Page)

Ordinance No. 3521 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 204 Thereof Relating to Use Classifications;” and~~

Ordinance No. 3522 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 211G Thereof Relating to Commercial Districts;” and~~

Ordinance No. 3523 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 212 Thereof Relating to Industrial Districts;” and~~

Ordinance No. 3524 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 214 PS Thereof Relating to Public-Semipublic District;” and~~

Ordinance No. 3525 — ~~An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 230 Thereof Relating to Site Standards;” and~~

Ordinance No. 3526 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 231 Thereof Relating to Off-Street Parking and Loading Provisions;” and~~

Ordinance No. 3527 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 233 Thereof Relating to Signs;” and~~

Ordinance No. 3528 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 241 Thereof Relating to Various Use Permits and Waiver of Development Standards;” and~~

Ordinance No. 3529 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 244 Thereof Relating to Design Review;” and~~

Ordinance No. 3530 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 250 Thereof Relating to General Provisions;” and~~

Ordinance No. 3531 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Chapter 257 Thereof Relating to Mergers;” and~~

Ordinance No. 3532 — ~~“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Specific Plan Relating to the Downtown Parking Master Plan.”~~

OR

(Continued on Next Page)

[Planning Director presented PowerPoint report (Late Communication)]

[Public hearing opened and Closed]

[Motion to: Return to Planning Commission in order for Planning Commission to review and then re-notice for public hearing to Council [FAILED 3-4(Julien Houchen, Garofalo, Dettloff, Bauer No)]

(1) B. Staff Recommendation: Motion to:

Approve Zoning Text Amendment No. 01-04 in concept with findings for approval (Attachment No. 3) and direct staff to prepare revised ordinances and return to City Council for the first reading.

[As approved with amendment to include from page D-2.4 of the staff report as follows:

The Planning Commission is recommending that five of the uses changing from conditional use permit approval to Director approval (permitted use) require a minimum 10 day noticing to adjoining property owners, similar to the City's infill ordinance notification requirements. The five items are:

- Eating and Drinking Establishments (greater than 300' from residential)***
- Live Entertainment (non-amplified only)***
- Outdoor Dining (less than 400 sq. ft. in area)***
- Personal Enrichment***
- Sign Code Exceptions (less than 10% deviation)***

(2) Directed staff to inform City Council of the schedule of Planning Commission study sessions.

[Approved (1) and (2) 6-1(Boardman No)]

Administrative Hearing

D-3 is an administrative public hearing. This administrative hearing is required by Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

D-3. (City Council) Administrative Hearing – Adopt Resolution No. 2001-89 – Approving Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (520.80)

Communication from the City Attorney and the City Treasurer.

Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

1. Staff Report
2. City Council discussion
3. Open administrative hearing
4. Following public input, by property owners, close administrative hearing

Recommended Action: Motion to:

Adopt **Resolution No. 2001-89** entitled “A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.”

[Adopted 6-0-1 (Cook out of room)]

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. **(City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of October 15, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
[Approved & Adopted 7-0]
- E-2. **(City Council) Approve Agreement Between the City and the County of Orange for Fiscal Year 2001-02 Animal Care Services Contract** (600.25) – Approve the *Agreement for Provision of Animal Care Services between County of Orange and City of Huntington Beach Fiscal Year 2001-2002.* Submitted by the City Administrator. Funding Source: \$427,860 – General Fund, Non-Departmental Account.
[Approved 7-0]
- E-3. **(City Council) Accept Bid and Award Contract to Nobest, Inc. for Pedestrian Improvements; MSC-409 – Along Cindy Lane/Clark Drive/Clubhouse Lane/Heil Avenue/Marie Lane/Mediterranean Drive/Shorewood Circle/Tigerfish Circle** (600.70)
 1. Accept the lowest responsible/responsive bid submitted by Nobest, Inc. for the repair/replacement of pedestrian improvements, MSC-409; and 2. Approve and authorize the Mayor and the City Clerk to execute Maintenance Service Contract 409 between the City of Huntington Beach and Nobest, Inc. in the amount of \$1,028,534.80 for the repair/replacement of pedestrian improvements; and 3. Authorize the Director of Public Works to expend up to \$1,176,387.80, which includes the contract cost of \$1,028,534.80, estimated contingency of \$102,853, and \$45,000 in undesignated supplemental expenditures. Submitted by the Public Works Director. Funding Source: \$1,176,387.80 - Measure M Fund, Pedestrian Improvements Account.
[Approved 7-0]
- E-4. **(City Council) Accept Bid and Award Contract to Inspection Engineering Construction; CC-1171 for Traffic Signals at Delaware Street/Garfield Avenue/Springdale Street/Slater Avenue, and Lake Street/Adams Avenue** (600.55) –
 1. Accept the lowest responsive/responsible bid submitted by Inspection Engineering Construction and authorize the Mayor and City Clerk to execute the approved construction contract for the Construction of Traffic Signals at Delaware Street/Garfield Avenue, Springdale Street/Slater Avenue, Lake Street/Adams Avenue; CC-1171; and 2. Authorize the Director of Public Works to expend up to \$207,005.55 for the project, including \$180,005.55 for the contract; estimated contingency of \$18,000 (approximately 10% of construction); and \$9,000 for supplemental expenditures. Submitted by the Public Works Director. Funding Source: \$207,005.55 Air Quality Fund, Traffic Signals Account \$197,400 and Measure M, Traffic Signals Account \$9,605.55.
[Approved 7-0]

- E-5. **(City Council) Approve the Release of the Guarantee and Warranty Bonds (Maintenance Bonds) for Tracts No. 15037, 15081 and 15085 – Turnberry Huntington Beach, LLC – s/s Summit Drive, e/o Seapoint Avenue – (Holly-Seacliff Specific Plan)** (420.60) – **1.** Release Maintenance Bonds No. 3 SM 984 206 00, 3 SM 984 208 00 and 3 SM 984 207 00 the security furnished for guarantee and warranty of improvements (American Motorists Insurance Co.); and **2.** Instruct the City Clerk to notify the developer, Turnberry Huntington Beach, LLC, of this action, and the City Treasurer to notify the Surety, **American Motorists Insurance Company**, of this action. Submitted by the Public Works Director. Funding Source: Not Applicable.
[Approved 7-0]
- E-6. **(City Council) Approve the Release of Securities for Tract No. 15343 and Accept the Public Improvements – HB Hamptons Partners/New Urban West, Inc. – Accept Guarantee and Warranty Bond (American Motorists Insurance Co.) – NE Corner of Edwards Street and Garfield Avenue – (Ellis-Goldenwest Specific Plan)** (420.60) – **1.** Accept the improvements constructed and dedicated for public use with Tract No. 15343; and **2.** Release HB Hamptons Partners, L.P. and New Urban West, Inc., Faithful Performance/Labor and Material Bond No. 3SM 956 965 00 and Monument Bond No. 3SM 956 966 00 pursuant to California Government Code Section No. 66499.7; and **3.** Accept HB Hamptons Partners, L.P. and New Urban West, Inc., Guarantee and Warranty Bond No. 3SM 956 965 500-M, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **4.** Instruct the City Clerk to notify the developers, HB Hamptons Partners, L.P. and New Urban West, Inc., of this action, and the City Treasurer to notify the Surety, **American Motorists Insurance Company**, of this action; and **5.** Instruct the City Clerk to record the “Notice of Acceptance of Public Improvements” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
[Approved 7-0]
- E-7. **(City Council) Approve the Release of Securities for Tract No. 15675 and Accept the Public Improvements – PLC Land Co. – NW Corner of Goldenwest Street and Summit Drive – (Holly-Seacliff Specific Plan) – Accept Guarantee and Warranty Bond (American Motorists Insurance Co.)** (420.60) – **1.** Accept the improvements constructed and dedicated for public use with Tract No. 15675; and **2.** Release PLC Land Company, Faithful Performance/Labor and Material Bond No. 3SM95819800 and Monument Bond No. 3SM95819900 pursuant to California Government Code Section No. 66499.7; and **3.** Accept PLC Land Company, Guarantee and Warranty Bond No. 3SM95819800-A, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **4.** Instruct the City Clerk to notify the developer, PLC Land Company, of this action, and the City Treasurer to notify the Surety, **American Motorists Insurance Company**, of this action; and **5.** Instruct the City Clerk to record the “Notice of Acceptance of Public Improvements” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
[Approved 7-0]

- E-8. **(City Council) Approve Agreement between the City, Mesa Consolidated Water District (Mesa) and Orange County Water District (OCWD) for Interruptible Potable Water Service to Talbert Seawater Intrusion Barrier Facilities** (600.25) – Approve and authorize the Mayor and City Clerk to execute an *Agreement between Mesa Consolidated Water District, the City of Huntington Beach and Orange County Water District for Interruptible Potable Water Service to Talbert Barrier Facilities*. Submitted by the Public Works Director. Funding Source: Any and all costs to the City will be reimbursed by Orange County Water District. (This agreement will allow OCWD to obtain a service connection from OC-44, an imported water connection located in the city at Adams Avenue and the Santa Ana River, for the purpose of providing water service to the Talbert Seawater Intrusion Barrier.)

[Approved 7-0]

- E-9. **(City Council) Approve Reappointment of Catherine Stip to the Allied Arts Board – Term of July 1, 2001 through June 30, 2005** (110.20) – Approve reappointment of **Catherine Stip** to a member-at-large, second four-year term of July 1, 2001 through June 30, 2005 on the Allied Arts Board as recommended by City Council liaisons Mayor Pam Julien Houchen and Councilmember Shirley Dettloff. Submitted by the Community Services Director. Funding Source: Not Applicable.

[Approved 7-0]

- E-10. **(City Council) Approve the Release of Securities for the Edwards Hill Reservoir and Booster Pump Station, Accept the Public Improvements, and Authorize Reimbursement to PLC Land Company – (Holly-Seacliff Development Agreement)** (600.10) – **1.** Accept the Edwards Hill Reservoir and Booster Pump Station Improvements and authorize the reimbursement to PLC Land Company payment in the amount of \$1,190,368; and **2.** Release the Faithful Performance/Labor and Material Bond No. 3SM 915 944 00, furnished pursuant to California Government Code Section No. 66499.7(b); and **3.** Accept the Maintenance Bond No. 3SM 915 944 00-A (American Motorists Insurance Co.), the security furnished for the guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **4.** Instruct the City Clerk to notify the developer, PLC Land Company, of this action, and the City Treasurer to notify the Surety, **American Motorists Insurance Company**, of this action; and **5.** Instruct the City Clerk to record the "Notice of Acceptance of Public Improvements" (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: \$1,192,822 – Water Master Plan Fund Account – PLC Reimbursement.

[Approved 7-0]

- E-11. **(City Council) Approve Professional Services Contract between the City and Berryman and Henigar, Inc. for As-Needed Sewer Design Services for Implementation of Sewer Lift Station and Sewer Line Rehabilitation Projects – Approve Expenditure of Funds** (600.10) – 1. Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and Berryman & Henigar, Inc. to Provide as Need Sewer Design Services*; and 2. Authorize the Director of Public Works to expend monies not to exceed \$750,000 per contract year. Submitted by the Public Works Director. Funding Source: \$250,000 (FY 2001-02) and \$500,000 (FY 2002-03) – Sewer Services Fund. Increasing the contract amount to \$750,000 will allow for additional design services should alternative resources be made available through grant awards. The allocation of additional funds must be approved by the City Council.

[Approved 7-0]

- E-12. **(City Council) Adopt Resolution No. 2001-93 Providing for Temporary Partially Paid Military Leave of Absence and Continuation of Benefits for City Employees Serving as Military Reservists Called to Active Duty with the Armed Forces**(700.50) Adopt Resolution No. 2001-93 – “A Resolution of the City Council of the City of Huntington Beach Providing for Additional Temporary Partially Paid Military Leave of Absence and Continuation of Benefits for City Employees Called to Active Duty with the Armed Forces.” Submitted by the City Administrator. Funding Source: Pay and benefits are currently funded in the existing budget.

[Adopted 7-0]

[Mayor reported on the purpose.]

F. Administrative Items**F-1. (City Council) Review List and Approve and Authorize the City Administrator to Execute the Professional Services Contracts in Fiscal Year 2001-02 Budget of Five City Departments of (1) Administrative Services; (2) Building and Safety; (3) Administration; (4) City Attorney; and (5) City Treasurer (600.05)**

Communication from the City Administrator requesting to enter into the professional service contracts included in the FY 2001-02 budget and detailed in Attachment No. 1.

Recommended Action: Motion to:

Authorize the City Administrator to enter into the professional service contracts detailed in Attachment No. 1, titled *Professional Service Contracts Included in FY 2001-02 Budget*.

[Approved 6-0-1 (Julien Houchen out of room)]

F-2. (City Council/Redevelopment Agency) Approve the Issuance of \$16 Million in Bonds by the City of Huntington Beach Community Facilities District No. 2000-1 (Grand Coast Resort – Hyatt Regency Huntington Beach Resort and Spa – PCH Beach Resort, LLC/RL Mayer Management, Inc. – Approve Introduction of Ordinance No. 3519 – Adopt Council Resolution Nos. 2001-90/2001-91/2001-92 and Agency Resolution No. 327 (330.30)

Communication from the Economic Development Director/Deputy Executive Director of the Redevelopment Agency regarding the following:

Statement of Issue: On September 14, 1998 the Redevelopment Agency of the City of Huntington Beach entered into an Amended and Restated Disposition and Development Agreement (DDA) with PCH Beach Resorts, LLC for the development of the Hyatt Regency Huntington Beach Resort and Spa. A component of the financing for the project stipulates that the Redevelopment Agency cooperate in the issuance of Community Facilities District (CFD) bonds for the costs associated with installing public improvements surrounding the project. The bonds are supported by a special property tax levy imposed on the leasehold owner of the property (PCH Beach Resorts, LLC) on which the resort is located. On April 17, 2000, the City established a Community Facilities District for that purpose. The actions recommended below are necessary to issue \$16 million in CFD bonds.

Funding Source: Funding for this CFD will come from bonds to be issued within the next couple of months. The payment of the bonds will be made by PCH Beach Resorts, LLC, the long-term leaseholder of the property, which is the owner and developer of the Hyatt Regency Huntington Beach Resort and Spa. Neither the City or the Redevelopment Agency have any responsibilities for the repayment of the bonds, which are to be repaid solely from a special tax levied on the leasehold interest for the project.

Recommended Action: The issuance of Community Facilities District bonds requires various sequential steps to be taken by the City Council and Redevelopment Agency. The recommended actions are the following:

City Council Actions:

1. Approve introduction of **Ordinance No. 3519** – “*An Ordinance of the City of Huntington Beach Levying Special Taxes within the City of Huntington Beach Community Facilities District No. 2000-01 (Grand Coast Resort).*”

and

(Continued on Next Page)

2. Adopt **Resolution No. 2001-90** – “A Resolution of the City Council of the City of Huntington Beach Authorizing the Issuance of Special Tax Bonds for the City of Huntington Beach Community Facilities District No. 2001-1 (Grand Coast Resort) in an Aggregate Principal Amount not to Exceed \$16,000,000 and Approving Certain Documents and Taking Certain other Actions in Connection therewith.”

and

3. Adopt **Resolution No. 2001-91** – “A Resolution of the City Council of the City of Huntington Beach Approving and Authorizing Execution of a Developer Funding and Construction Agreement and Joint Community Facilities Agreement Relating to Community Facilities District No. 2000-1 (Grand Coast Resort).”

and

4. Adopt **Resolution No. 2001-92** – “A Resolution of the City Council Approving the Execution and Delivery of an Agreement with the Redevelopment Agency of City of Huntington Beach Regarding the Forbearance of Remedies Under Lease Agreement.”

Redevelopment Agency Actions:

1. Adopt **Resolution No. 327** – “A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Execution and Delivery of an Agreement with the City of Huntington Beach Regarding the Forbearance of Remedies Under Lease Agreement.”

[Approved Ordinance and adopted Resolutions in #1-#4 and adopted Agency Resolution 6-0-1 (Julien Houchen out of room)]

F-3. (City Council) Establish City Council Policy for City Clerk to Follow in Receiving and Filing Professional Services Agreements Entered Into (Pursuant To Huntington Beach Municipal Code Chapter 3.03) (600.05)

Communication from the Office of the City Clerk requesting that a City Council approved policy be established for the City Clerk's Office to follow in the review, filing and retrieval of Professional Services Agreements entered into between city staff and consultant firms pursuant to Chapter 3.03 of the Huntington Beach Municipal Code.

Recommended Action: Motion to:

Establish a City Council Policy for the City Clerk's Office to follow in the administration of all agreements entered into between city staff and consultant firms pursuant to Huntington Beach Municipal Code Chapter 3.03 (Professional Services). The policy is set forth as follows:

- (1) Agreements executed by the City Administrator as set forth in the Request for Council Action (**Item F-1** on this City Council Agenda) shall be submitted to the City Clerk to file for retrieval and destruction according to the currently approved City Council retention and destruction policy and any future records retention and destruction policy as may be adopted by the City Council.
- (2) Agreements entered into by Directors (*Department Heads*) pursuant to Huntington Beach Municipal Code Section 3.03.020 Definitions and S. 3.03.100 Authorization by Department Directors shall follow the same procedure as (1) above.
- (3) Agreements entered into by **designees** of Directors (*Department Heads*) Huntington Beach Municipal Code S. 3.03.020(b) Definitions shall be submitted to the City Clerk's Office for filing **if** the designee executing the agreement is named in a City Council resolution that lists the employees who each Director (*Department Head*) wishes to designate to execute agreements on their behalf.
- (4) The City Clerk shall maintain the agreements on the City Clerk's Office computerized Records Management Program in the same manner as agreements which are approved by Council through the City Council Agenda process, except that a **copy** of the insurance **certificate** ~~policy~~ rather than the original, will be attached to the original agreement provided to the City Clerk's Office, with the original insurance certificate and all renewals to be maintained by Administrative Services/Risk Management Division.
- (5) The City Clerk shall submit, on a quarterly basis, a *List of Agreements* entered into pursuant to Huntington Beach Municipal Code Chapter S. 3.03. This list shall appear for the purpose of a Receive and File motion of the City Council. ***Failure by Council to Receive & File the List of Agreements Quarterly Report presented to Council does not affect the validity of the agreements on said list.***

(Continued on Next Page)

(6) Request the City Attorney to:

- (a) Prepare an ordinance amending Huntington Beach Municipal Code Chapter 3.03.100 Authorization by Department Directors to provide that the **original** of all approved insurance certificates and subsequent renewals shall be filed with the Risk Manager. ~~and a copy with the City Clerk.~~
- (b) Prepare an ordinance amending S. 3.03.020 (b) Definitions to add *Designee or designees shall be vested with said authority by resolution of the City Council.*
(As designees are added/removed, the City Council resolution shall be revised accordingly.)

[Adopted policy as amended (7-0)]

G. Ordinances**G-1. Ordinance for Adoption**

- G-1a. (City Council) Adopt Ordinance No. 3518 – Adding Huntington Beach Municipal Code Chapter 13.50 Relating to the Regulation of Trees Under the Community Forest Management Plan** (640.10) – **Ordinance No. 3518** – *“An Ordinance of the City of Huntington Beach Adding Chapter 13.50 to the Huntington Beach Municipal Code Relating to the Regulation of Trees.” Submitted by the Public Works Director.*
(Introduction approved November 5, 2001.)
Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3518**, by roll call vote.

[Adopted Ord. No. 3518 (7-0)]

G-2. Ordinances for Introduction – See Agenda Item D-2

H. City Council/Redevelopment Agency Items
[None Reported]

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Monday, December 3, 2001, starting at **6:00 P.M.** instead of 5:00 P.M., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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